

## Maine Revised Statutes

### Title 37-B: DEFENSE, VETERANS AND EMERGENCY MANAGEMENT HEADING: PL 1997, c. 455, §9 (rpr)

#### Chapter 24: DAM SAFETY HEADING: PL 2001, c. 460, §3 (new)

#### §1119. DAM CONDITION INSPECTION

**1. Inspections.** A state dam inspector shall conduct an inspection of all high and significant hazard potential dams to determine whether the integrity, structural stability, function or operation of those dams constitutes a threat to public safety, in accordance with the following schedule:

A. All significant hazard potential dams, at least once every 6 years; [ 2013, c. 146, §20 (AMD) . ]

B. All high hazard potential dams, at least once every 6 years; [ 2013, c. 146, §20 (AMD) . ]

C. Any dam, within 60 days of a request for an inspection from the dam owner or the municipality in which the dam is located; and [ 2013, c. 146, §20 (AMD) . ]

D. At any time any dam that may, in the judgment of the commissioner, constitute a potential risk to public safety. [ 2001, c. 460, §3 (NEW) . ]

Notwithstanding the schedule outlined in this subsection, a state dam inspector shall conduct an inspection of a significant or high hazard potential dam within 30 days of receipt by the commissioner of a notice of transfer of ownership of the dam as required under section 1128 unless the dam has been inspected under this subsection within 4 years preceding the notice of transfer of ownership.

[ 2013, c. 146, §20 (AMD) . ]

**2. Condition report.** After the on-site dam inspection, a state dam inspector shall provide a condition report to the commissioner detailing the operation and material condition of the dam and recommending all necessary remedial measures. The commissioner shall send a copy of the state dam inspector's condition report by certified mail to the dam owner, lessee or other person in control of the dam, the municipality in which the dam is located and the emergency management director of the county in which the dam is located if the condition report recommends any necessary remedial measures. The dam owner, lessee or other person in control of the dam must notify the commissioner within 20 days of receipt of the report if the owner disagrees with the findings and recommendations of the report. The dam owner, lessee or other person in control of the dam must provide the basis of disagreement to the commissioner within 3 months of receipt of the inspector's report. The dam owner, lessee or other person in control of the dam may apply for and be granted an extension of this deadline for good cause, but not for more than an additional 3 months.

[ 2001, c. 460, §3 (NEW) . ]

**3. Review conference.** After receiving the inspector's report and prior to issuing any dam safety order, the commissioner shall hold a review conference and shall invite the emergency management director of the county in which the dam is located to the review conference as well as representatives from appropriate state agencies, which may include the Department of Agriculture, Conservation and Forestry, the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Public Safety, the Department of Transportation and the Maine Land Use Planning Commission, to discuss the public safety, environmental, economic and other concerns relating

to the dam and the necessary remedial measures under consideration. A state dam inspector shall attend the review conference. The commissioner shall maintain a written record of the conference and shall make a copy of this record available to all parties participating in the conference.

[ 2011, c. 655, Pt. HH, §4 (AMD); 2011, c. 655, Pt. HH, §7 (AFF); 2011, c. 657, Pt. W, §5 (REV); 2011, c. 682, §38 (REV) .]

**4. Order.** The commissioner shall consider the inspector's report, the evidence presented by the dam owner, lessee or other person in control of the dam and the record from the review conference before issuing a dam safety order directing that necessary remedial measures be undertaken by the dam owner, lessee or other person in control of the dam. The commissioner may issue such an order only if the commissioner determines that the integrity, structural stability, function or operation of the dam constitutes a threat to public safety. Necessary remedial measures may include, but are not limited to:

- A. Breach or removal of the dam; [2001, c. 460, §3 (NEW) .]
- B. Repair or maintenance of the dam in a specified manner; [2001, c. 460, §3 (NEW) .]
- C. Operation of the dam in a specified manner; [2001, c. 460, §3 (NEW) .]
- D. Preparation of and adherence to any emergency action that is approved by the commissioner; and [2001, c. 460, §3 (NEW) .]
- E. Maintenance of appropriate records relating to water levels, dam operation and dam maintenance. [2001, c. 460, §3 (NEW) .]

[ 2001, c. 460, §3 (NEW) .]

#### SECTION HISTORY

2001, c. 460, §3 (NEW). 2009, c. 561, §36 (AMD). 2011, c. 655, Pt. HH, §4 (AMD). 2011, c. 655, Pt. HH, §7 (AFF). 2011, c. 657, Pt. W, §5 (REV). 2011, c. 682, §38 (REV). 2013, c. 146, §20 (AMD).

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